

Message Text

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ACTION MCT-02

INFO OCT-01 EUR-12 EA-10 ISO-00 SP-02 L-03 EB-08
CIAE-00 DODE-00 PM-05 H-01 INR-10 NSAE-00 NSC-05
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INFO AMEMBASSY LONDON
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C O N F I D E N T I A L OTTAWA 03941

E.O. 11652: GDS
TAGS: EAIR, CA, FR, IT, JA, UK
SUBJECT: BONN SUMMIT ANTI-HIJACKING DECLARATION

REFS: A. STATE 198194; B. STATE 198704

1. WE DISCUSSED REFTELS WITH COPITHORNE (DIRECTOR GENERAL OF BUREAU OF LEGAL AFFAIRS AND LEGAL ADVISER OF DEPARTMENT OF EXTERNAL AFFAIRS) AND DICKSON OF HIS STAFF AUGUST 8. COPITHORNE LEAD THE CANADIAN DELEGATION AT THE AUG. 1-2 MEETINGS IN BONN AND DICKSON ALSO ATTENDED.

2. IN REGARD TO KLM HIJACKING (REF B.), COPITHORNE SAID CANADA IS FOLLOWING ISSUE. HE AGREED THERE APPEARED TO BE NO NEED FOR DEMARCHES. COPITHORNE ALSO NOTED THAT DURING BONN AUG. 1-2 MEETINGS THERE WAS CONSIDERABLE DIFFERENCE OF VIEW BETWEEN HARDLINERS (U.S., FRG, CANADA) AND OTHERS ON APPLICABILITY OF BONN DECLARATION TO INCIDENTS BETWEEN TWO "THIRD" STATES AND WHETHER OR NOT SUCH INCIDENTS WOULD TRIGGER CONSULTATIVE MECHANISM WHICH WAS DISCUSSED. IN
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VIEW OF THIS LACK OF AGREEMENT, INDICATION TO PRESS THAT THERE HAD BEEN FORMAL CONSULTATIONS ON THE KLM INCIDENT BY THE SEVEN COULD WELL CREATE FRICTION WITH THE DISSENTING GOVERNMENTS. ON THE OTHER HAND, HE SAW NO DIFFICULTY WITH TELLING THE PRESS THAT THE SEVEN ARE MONITORING THE KLM HIJACKING AND STEPS BEING TAKEN BY SPAIN AND THE NETHERLANDS.

3. CANADA SHARES U.S. VIEW THAT IT WAS DECIDED AT BONN AUGUST 1-2 MEETINGS THAT DEMARCHES TO OBTAIN SUPPORT FOR BONN DECLARATION WOULD BE COMPLETED IF POSSIBLE BY AUGUST 31. COPITHORNE SAID IT APPEARS FRANCE, ITALY AND JAPAN MAY WELL NOT MAKE A DECISION EARLY ENOUGH (IF AT ALL) TO ALLOW THAT SCHEDULE TO BE MET. HE SUGGESTED CANADA, U.S. AND FRG (AND PERHAPS UK) SHOULD CONSIDER CONTINGENCY PLANS ON HOW TO PROCEED IF OTHER THREE HAVE NOT AGREED TO PROCEED WITH DEMARCHES BY MID-AUGUST. POSSIBILITIES HE SUGGESTED WERE TAKING THE ISSUE TO THE FOREIGN MINISTER LEVEL OR A NOTIFICATION TO FRENCH, JAPANESE AND ITALIANS THAT UNLESS THEIR AGREEMENT WERE RECEIVED BY END OF AUGUST THEN U.S., CANADA AND FRG WOULD PROCEED WITH DEMARCHES ON THEIR OWN. THE PROBLEM HE NOTED WAS HOW TO BRING THE MOST PRESSURE TO BEAR ON THE RELUCTANT MEMBERS TO OBTAIN THEIR COOPERATION SINCE DEMARCHES BY ANY NUMBER LESS THAN THE SEVEN WOULD BE TAKEN AS AN INDICATION OF DISAGREEMENT AMONG THEM AND THUS WEAKEN THE APPROACHES TO OTHERS. ONE WAY OF AVOIDING THIS MIGHT BE TO HAVE ONLY THE FRG, AS THE HOST STATE FOR THE SUMMIT, MAKE THE DEMARCHES; HOWEVER, CANADA AGREED IT WOULD BE PREFERABLE FOR ALL TO PARTICIPATE.

4. COPITHORNE SUGGESTED THAT ADDITIONAL PRESSURE TO ACT ON DEMARCHES MIGHT BE BROUGHT TO BEAR ON ITALY, FRANCE
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AND JAPAN IF OTHERS WERE TO MOVE QUICKLY ON RELATED ACTIONS AGREED AT AUGUST 1-2 MEETINGS OUTLINED PARA (3) BONN 14129; I.E., TO DESIGNATE CONTACT POINT WITHIN THEIR GOVERNMENT FOR FUTURE INCIDENT MANAGEMENT (THE DEPARTMENT OF EXTERNAL AFFAIRS WILL FILL THAT ROLE IN CANADA) AND TO PROVIDE EARLY COMMENTS ON CANADIAN DRAFT GUIDELINES.

5. THE CANADIANS CONSIDER THERE IS A NEED TO COORDINATE POSITIONS WITHIN THE SEVEN ON HOW TO DEAL WITH CONFLICTS BETWEEN BONN DECLARATION AND BILATERAL AVIATION AGREEMENTS, CHICAGO CONVENTION AND INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT. FROM THE LEGAL POINT OF VIEW, COPITHORNE SAID, THERE IS A NEED TO REGULARIZE THE RELATIONSHIP OF THESE AGREEMENTS TO THE DECLARATION. THIS IS PARTICULARLY SO IN RELATIONSHIP TO NEW OR RENEWED BILATERALS NEGOTIATED SUBSEQUENT TO THE BONN DECLARATION. HE SUGGESTED A COMMON APPROACH, PERHAPS IN THE FORM OF A DECLARATION TO BILATERAL AVIATION PARTNERS, IS NEEDED AMONG THE THREE (U.S., CANADA, FRG) AND PREFERABLY AMONG THE SEVEN. CANADA IS CONSIDERING THE NEED FOR CONSULTATIONS ON THE MATTER AND HE SAID IT MIGHT BE USEFUL TO REVIEW IT WHEN HE, FLEISCHAUER OF THE FRG, AND AMBASSADOR QUANTON EXPECT TO HAVE AN OPPOR-

TUNITY TO MEET IN NEW YORK IN MID-SEPTEMBER. ENDERS

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